

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HENRY BROWN,

Plaintiff,

v.

Case No. 12-13402

CITY OF DETROIT and LATONYA BROOKS,

Defendants.

**ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON
APPEAL AND REQUEST TO APPOINT COUNSEL**

This is a civil rights case stemming from the arrest of *pro se* Plaintiff Henry Brown. After 270 days detention, he was determined to be innocent, and released. (See Dkt. # 23.) In an order entered June 9, 2017 (Dkt. # 55), this court adopted the report and recommendation of United States Magistrate Judge David R. Grand (Dkt. # 46) in its entirety and granted summary judgment in favor of Defendants. Now before the court are two motions filed by Plaintiff. The first is a motion to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915. (Dkt. # 58.) The second is a motion for the appointment of counsel, also under 28 U.S.C. § 1915. (Dkt. # 59.)

In its June 9 order, the court explained that Plaintiff had failed to file proper objections to the report and recommendation, which constituted a waiver of any right to object to the magistrate judge's findings. (See Dkt. # 55, Pg. ID 680-81.) The failure to file proper objections also waives any right to appeal. *Spencer v. Bouchard*, 449 F.3d 721, 724-25 (6th Cir. 2006) (finding overly general objections to report and

recommendation waive right to appeal any portions adopted by district court) *abrogated on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

As the court has already concluded Plaintiff waived any right to appeal, the court concludes no appeal can be taken in good faith. Accordingly, the court will deny Plaintiff's request to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. 1915(a)(3). For the same reason, the court will deny Plaintiff's request for an attorney without prejudice to Plaintiff's ability to make the same request of the Sixth Circuit. Accordingly,

IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* on appeal (Dkt. # 58) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion for the appointment of counsel (Dkt. # 59) is DENIED.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 31, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522